

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	WC Docket No. 13-39
Rural Call Completion	)	

**COMMENTS OF CENTURYLINK**

**I. INTRODUCTION AND SUMMARY**

CenturyLink<sup>1</sup> submits these comments in response to the Second Further Notice of Proposed Rulemaking released on July 14, 2017 and published in the Federal Register on July 27, 2017 (Notice).

CenturyLink is proud of its network, the quality of its service, and its commitment to industry leadership on rural call completion. Safe Harbor routing policies minimize the number of carriers involved in routing a call from origination to completion. Implementing these policies is neither easy nor inexpensive. Additionally, although not required by the Commission's Safe Harbor rule, CenturyLink's policy seeks to limit routing to just one hop. CenturyLink's goal is to ensure a high level of call completion performance for all Americans, including those in rural communities.

CenturyLink's experience as a Safe Harbor provider places it in a unique position to comment on these proposed rules. The company has generated data in a pre-Safe Harbor environment and has also generated data as a Safe Harbor provider. That experience confirms the limited value of the data that providers are collecting under the current regulatory environment.

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<sup>1</sup> This submission is made by and on behalf of CenturyLink, Inc. and its wholly owned subsidiaries.

CenturyLink believes that rural call completion should be viewed not as a monolithic issue, but rather through the viewpoint of the customer placing the call. It is critical that a call to an elderly relative complete. However, customers making a large volume of outgoing calls may place less importance on having each call complete, and would instead prefer that calling costs be reduced by using multiple intermediate providers, if necessary, to make the call path the most economical path available. CenturyLink recommends that the Commission adopt different requirements for these different classes of customers. Such an approach would more effectively marry regulations with customer demand.

## **II. THE ISSUE OF RURAL CALL COMPLETION IS ABATING**

The Notice asks for comment on whether the declining rate of complaints related to rural call completion suggests that the problem may be partially abating.<sup>2</sup> CenturyLink believes the issue has declined significantly over the last several years. A few years ago, CenturyLink responded to complaints regularly related to such issues. Now such complaints are extraordinarily rare. The FCC's data suggests that CenturyLink's experience is not unique. The Commission should be certain that there is a need for continued regulation in this area before imposing requirements related to call completion.

## **III. CURRENT REQUIREMENTS SHOULD BE MODIFIED**

CenturyLink agrees with the Commission's tentative view that current rules should be modified.<sup>3</sup> The burden associated with the new rules should reflect both what has been effective in addressing call completion issues and what has not been effective. Current data collection and statistical requirements appear to be of little value to the Commission, carriers or customers. As

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<sup>2</sup> See *Rural Call Completion*, WC Docket No. 13-39, Second Further Notice of Proposed Rulemaking, FCC 17-92 (rel. Jul. 14, 2017) (Notice), ¶ 10.

<sup>3</sup> Notice, ¶ 12.

the Commission amply explained in its Report, there are significant flaws in the data currently collected.<sup>4</sup> More fundamentally, however, the statistics the Commission has identified as most relevant to the issue—call answer rates—bears no relationship to the issue the Commission is attempting to address—network performance in delivering long distance calls.

In CenturyLink’s experience, call answer rates are more reflective of the type of calls being placed to a particular customer than the actual performance of the carrier in delivering a call. Negative spikes in call answer rate performance have often been associated with large outbound calling efforts such as those associated with a mass calling campaign rather than a failure to deliver calls. Significant changes to routing practices for Safe Harbor purposes appears to have little or no discernible impact on call answer rate statistics.

The failure of the call answer rate statistic to reflect performance, as well as the concerns of the Commission associated with the Network Efficiency Ratio calculated under current rules, suggests that the current data collection and reporting requirements provide little value in addressing call completion issues and should be eliminated.

#### **IV. ANY NEW APPROACH SHOULD RECOGNIZE THAT CALL COMPLETION IS LESS IMPORTANT FOR CERTAIN TYPES OF CALLS**

By choosing to be a Safe Harbor provider, CenturyLink has been placed at a significant disadvantage in competing for customers that are less interested in making sure every call gets through but more interested in keeping costs low. Call completion is critical for a customer calling a loved one or calling emergency services. It is critical to both the party that places the call and the party that receives the call. Call completion might be less important for other customers placing calls for the purpose of marketing services, raising money or taking surveys.

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<sup>4</sup> See *Rural Call Completion*, WC Docket No. 13-39, Report, DA-17-595 (WCB Jun. 22, 2017) (Report) (identifying numerous shortcomings in the accuracy and usefulness of data collected under current rules).

Under the current rules, non-Safe Harbor carriers have the ability to tailor products to meet these different classes of customers. A Safe Harbor provider does not appear to have such an option.

Customers should have the choice to agree to a reduced cost per call in exchange for the risk that multiple intermediate carriers may be involved in a call path and a call might be marginally less likely to reach its intended destination. At a minimum, a provider that agrees to Safe Harbor restrictions should not be placed at a severe disadvantage in seeking to sell services to such customers. The key with this approach is that the customer makes an informed choice as to the type of services it is purchasing.

CenturyLink recommends that the Commission consider allowing carriers to offer a class of service that is exempt from any new call completion rules. Such an approach will allow all carriers to compete for customers seeking to minimize cost on a more equal footing.

## **V. THE COMMISSION SHOULD ADOPT ITS PROPOSED RULE IN ITS CURRENT FORM WITHOUT FURTHER SPECIFIC REQUIREMENTS**

Paragraph 15 of the Notice suggests the following approach:

One possible approach, which is reflected in Appendix A, is a rule that, for each intermediate provider with which it contracts as of the effective date of the rule, a covered provider must (1) monitor the intermediate provider's performance in the completion of call attempts to rural incumbent LECs from subscriber lines for which the covered provider makes the initial long-distance call path choice; and (2) based on the results of such monitoring, hold the intermediate provider accountable for such performance, including by removing an intermediate provider from a particular route after sustained inadequate performance.

CenturyLink supports this approach to addressing rural call completion issues. The Notice proposes a number of additional specific requirements such as performance metrics,<sup>5</sup> specific forms and frequency of required monitoring,<sup>6</sup> specific requirements related to monitoring<sup>7</sup> and

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<sup>5</sup> Notice, ¶ 16.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

tying monitoring requirements to industry best practices.<sup>8</sup> Such specific requirements may serve to impede rather than advance the goal of successfully addressing this issue. For example, tying requirements with industry best practices could create a disincentive for industry participants to create new or improved best practices due to the potential that such practices will be converted into a regulatory requirement. A more flexible approach carries the advantage of allowing the industry and the Commission to test multiple approaches to the issue and thereby adopt the most effective measures to combat issues as they arise.

Similarly, leaving flexibility regarding “sustained inadequate performance” may be the best approach. CenturyLink has regularly engaged in an analysis of negative spikes in call answer rates. That experience has demonstrated that such negative spikes can be associated with a variety of causes that have nothing to do with network performance. Even if the issue is related to network performance, low call answer rates can have a variety of causes. Removing a carrier from a route is one tool to address those issues. Analyzing issues at the terminating end is another. It would be very difficult to define a specific measurement that would appropriately identify inadequate performance that applies in all circumstances.

## **VI. CUSTOMERS SHOULD HAVE THE OPTION TO PURCHASE LOWER COST CALLING WITHOUT THE PROTECTIONS OF THESE RULES**

Paragraph 16 of the Notice invites comment on whether there should be exceptions to the proposed rules. CenturyLink proposes that there be an exception for customers that knowingly choose to purchase a product that carries more potential risk of not completing. CenturyLink envisions such callers as large outbound calling environments for which it may not be critical to ensure that each call is completed. Such customers would be more likely to be attracted to other alternatives that might be available at a lower cost.

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<sup>8</sup> *Id.*

Such an approach may well carry the advantage of ensuring that critical calls to loved ones or emergency services are routed in a manner that ensures their completion. CenturyLink understands that some non-Safe Harbor providers offer different classes of service, some of which are routed in a Safe Harbor manner and others offered at a lower cost without those protections. By giving Safe Harbor providers the flexibility to offer these different products to different customers, the Commission could more narrowly tailor its rules to more effectively identify and address the important rural call completion issues and may encourage increased participation in Safe Harbor by more providers.

## **VII. CENTURYLINK SUPPORTS RETAINING CURRENT DEFINITIONS**

Paragraphs 20 and 21 ask for comments on the definitions of relevant terms. CenturyLink sees no need to change the definitions of the terms “covered provider,” “intermediate provider,” “call attempt,” “long-distance voice service,” “initial long-distance call path choice,” or “rural.” CenturyLink’s proposed carve out to Safe Harbor may or may not require additional definitions depending on how the Commission ultimately drafts the rules.

## **VIII. CENTURYLINK SUPPORTS ELIMINATING RECORDING, RETENTION AND REPORTING REQUIREMENTS**

Based on the issues identified in the Report, CenturyLink supports eliminating the recording, retention and reporting requirements in current rules.

## **IX. IF SAFE HARBOR IS RETAINED, SAFE HARBOR PROVIDERS SHOULD HAVE THE OPTION TO OFFER A BULK PRODUCT THAT IS NOT SAFE-HARBOR ROUTED**

Paragraphs 29 through 32 request information regarding the Safe Harbor rule. If Safe Harbor proceeds under the new rules, CenturyLink urges the Commission to allow Safe Harbor providers to offer a service alternative that is not routed in a Safe Harbor fashion. Such a

product should have the appropriate disclosures so that the customer knows exactly what it is purchasing.

## **X. CONCLUSION**

CenturyLink believes it is in a unique position to comment on the effectiveness of the current rules and offers these comments on a path forward to both address call completion issues and remove unnecessary regulatory burdens on providers. The Commission's approach has been effective in reducing call completion issues up to this point, and CenturyLink's recommendations will further that effort.

Respectfully submitted,

**CENTURYLINK**

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August 28, 2017